IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO.9835 of 2005

Between:

S.Srinivasulu. S/o.Late S.Ramulu
DRDA, Kurnool, R/o.B/B403, B Camp, Kurnool ,
Kurnool District.

..... PETITIONER

AND

1 The Government of A.P, Rep by its Secretary.
Panchayat Raj & Rural Development, Secretariat,

Hyderabad-22.
2 The Commissioner, Women Empowerment & Self

Employment. A.P., Hyderabad
3 The Project Director, DRDA, Kurnool.
4 The District Collector, Kurnool.
5 S.A Sherif, Commissioner, Women Empowerment & Self

Employment, Self Employment , A.P., Hyderabad
6 Y.Srinivas Raj. S/o. not known.
DRDA, Cuddapah.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ order or orders, direction particularly a writ in the nature of Writ of Mandamus or any other appropriate writ, calling for the records pertaining to the Judgment/ order dt.29-3-2005 in O.A.No.4884/2004 with V.M.A.No.38/2005 passed by the Hon'ble Tribunal and also the proceedings Memo No.3441/EE.V(1)/2001, dt.20-3-2004 of the 2nd respondent and also the proceedings No.3841/EE.V(1)/2002, dt.20-7-2004 issued by the 2nd respondent and thereby set aside the said proceedings as illegal, arbitrary, contrary to law and service rules, violative of principles of natural justice and violative of Articles14, 16 and 21 of the Constitution of India , besides without Jurisdiction and consequently directing the respondent to restore the seniority of the petitioner in the post of Sr. Assistant over and above the 5th and 6th respondents and consequently fix the seniority of the petitioner as Superintendent over and above 5th and 6th respondents, with all consequential, monetary and other benefits in the interest of justice.

Counsel for the Petitioner: MR.M.V.RAJA RAM

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court, at the admission stage, made the following:

ORAL ORDER:- (PER GB, J)

The Writ Petition is filed assailing the order, dated 29.03.2005, passed by the A.P. Administrative Tribunal, Hyderabad, in O.A. No. 4884 of 2004.

2. The O.A was disposed of with the following direction:

> "Under the circumstances, it would be just and proper to direct the applicant to make a representation to the 2nd respondent within 2 weeks from the date of the receipt of the order and on such representation being filed by the applicant, the 2nd respondent shall consider the same within 8 weeks thereafter and pass appropriate orders according to law. The O.As. are accordingly, disposed of VMA and MA stand closed. There will be no order as to costs."

3. Learned counsel for the petitioner now submits that since the 2nd respondent has already decided the matter against the petitioner, no useful purpose will be served again by making representation to the same authority, therefore, the order of the Tribunal to that extent is not sustainable.

4. We have heard the learned Government Pleader for Panchayat Raj and Rural Development.

5. In view of the apprehension expressed by the learned counsel for the petitioner, we modify the order of the Tribunal and direct the petitioner to submit a representation to the

1st respondent within three weeks from the date of receipt of a copy of the order, and on such representation the 1st respondent shall consider the same and pass appropriate orders according to law within a period of four weeks thereafter. Pending disposal of the representation as directed above status quo obtained today shall be continued.

6. With the above said modification, the Writ Petition is disposed of. No costs.

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G. BIKSHAPATHY, J

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P.S. NARAYANA, J

Date: 28.04.2005

ES/NSR

To

1 The Secretary, Government of A.P,
Panchayat Raj & Rural Development, Secretariat,

Hyderabad-22.

2 The Commissioner, Women Empowerment & Self

Employment. A.P., Hyderabad
3 The Project Director, DRDA, Kurnool.
4 The District Collector, Kurnool.
5 2 CCs to the GP for Panchayat Raj & Rural Development, High Court buildings, Hyderabad (OUT)

6 2 CD copies